

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE Mortgage Electronic Registration Systems (MERS) Litigation) MDL DOCKET NO. 09-2119-JAT
AMENDED ORDER

This Order Applies to:

CV 10-217-PHX-JAT
CV 10-219-PHX-JAT
CV 10-268-PHX-JAT

The Court now addresses three actions¹ transferred by the Judicial Panel on Multidistrict Litigation (the "Panel") in MDL Conditional Transfer Order (CTO-1) and Simultaneous Separation and Remand of Certain Claims (Doc. 38). In the conditional transfer order, the Panel stated, "All claims in these actions that are unrelated to the formation and/or operation of the MERS system are separated and simultaneously remanded, under 20 USC 1407, to the District of Nevada." Mortgage Electronic Registration Systems, Inc. and MERSCORP, Inc. (collectively, "MERS" or "Moving Defendants") and various

¹ Listed below are the first plaintiff's name and the original jurisdiction case numbers for the cases addressed herein:

<u>First Plaintiff's Name</u>	<u>Arizona Case Number</u>	<u>Original Jurisdiction Case Number</u>
<i>Huynh</i>	CV 10-217-PHX-JAT	3:09-577 (D. Nev.)
<i>Lee</i>	CV 10-268-PHX-JAT	3:09-590 (D. Nev.)
<i>Youngren</i>	CV 10-219-PHX-JAT	3:09-595 (D. Nev.)

1 other parties have set forth which claims, if any, in each of the various cases relate to the
2 formation and/or operation of MERS.

3 These three cases were already subject to a remand order (Doc. 409). Plaintiffs then
4 sought and received leave to amend their complaints. Moving Defendants then filed a
5 Motion to Remand Claims from these amended complaints (Doc. 1163). Litton Loan
6 Servicing LP filed a responses to the Motion to Remand without disagreeing with Moving
7 Defendants (Doc. 1178).

8 Accordingly,

9 **IT IS ORDERED** that the Motions to Remand Certain Claims (Doc. 1163) are
10 GRANTED as follows:

11 With respect to *Huyhn* and *Youngren* claims 7-10 and part of claims 1-5 and 14
12 remain with the undersigned as part of the MDL and claim 6 and part of claims 1-5 and 14
13 have been remanded to the transferor court. In *Youngren*, no claim against Litton Loan
14 Servicing LP is remanded.

15 With respect to *Lee* claims 8-10 and part of claims 1-5, 7 and 14 remain with the
16 undersigned as part of the MDL and claim 6 and part of claims 1-5, 7 and 14 have been
17 remanded to the transferor court.

18 **IT IS FURTHER ORDERED** that MERS shall file a copy of this Order with the
19 each transferor court within the next two business days.

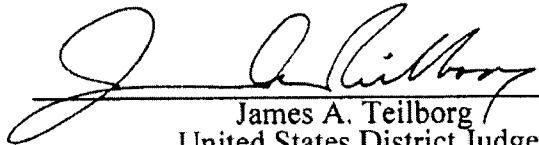
20 **IT IS FURTHER ORDERED** that the Clerk of the Court shall file a copy of this
21 Order in each member case listed on page 1.

22 **IT IS FURTHER ORDERED** that with respect to any claims that are staying with
23 this Court, Plaintiffs' Lead Counsel shall file a proposed consolidated amended complaint
24 together with the various plaintiffs whose actions are currently joined to this MDL and
25 Defendants need not answer or otherwise respond until such a consolidated amended
26 complaint is deemed filed; with respect to any claims that have been remanded to the
27 transferor courts, Defendants shall answer or otherwise respond to those claims within fifteen
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1 days of this Order, unless any order of the transferor court is inconsistent with this Order, in
2 which case, the order of the transferor court shall control.

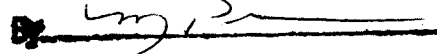
3 **IT IS FURTHER ORDERED** within 12 days of this Order, MERS shall file all
4 documents related to a case bifurcated herein into the record of the transferor court in that
5 particular case. (Because this Court will not transfer the entire MDL file and docket to any
6 individual transferor court, this will insure the Judge in the transferor court has a complete
7 record for that specific case).

8 DATED this 21st day of March, 2011.

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11 
12 James A. Teilborg
13 United States District Judge
14

15 I hereby attest and certify on 3.21.11
16 that the foregoing document is a full, true and correct
17 copy of the original on file in my office and in my sub-
18 stody.

19 CLERK, U.S. DISTRICT COURT
20 DISTRICT OF ARIZONA

21 By  Deputy
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